

ORDINANCE 28-2026

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 53 OF THE HOPKINSVILLE CODE OF ORDINANCES RELATING TO SEWER AND WATER SERVICE RATES AND USER FEES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPKINSVILLE, KENTUCKY, AS FOLLOWS:

SECTION ONE

Chapter 53 of the Hopkinsville Code of Ordinances is hereby amended to read as follows:

GENERAL PROVISIONS

§ 53.01 AUTHORITY TO PROMULGATE REGULATIONS.

(A) The Sewerage and Water Works Commission shall have authority to promulgate such regulations as it shall deem are necessary to provide for the orderly supervision, management and control of the business and affairs of the entire sewerage and water works system including the Pembroke Utility Division and the Crofton Utility Division. This shall include the authority to pass regulations modifying sewer surcharge fees after annual review. However, the Commission shall have no power to pass a regulation pertaining to the borrowing of money, setting of water or sewer rates or providing for the entry into contracts for the expenditure of funds other than those funds derived from the operation of the sewerage and water works system. These matters are reserved to the City Council.

(B) Any regulation proposed by the Sewerage and Water Works Commission shall be published at least one time in the *Kentucky New Era* newspaper as a legal notice and any objections shall be heard by the Commission at a public hearing. If no objection is made in writing to the Commission, the regulation shall become effective 30 days after publication.

§ 53.02 AUTHORIZATION OF POLICIES, REGULATIONS, AND PROCEDURES.

The Sewerage and Water Works Commission is authorized to develop additional reasonable policies, regulations, and procedures and to take whatever other reasonable action the Sewerage and Water Works Commission deems reasonably necessary to promote the reasonable and efficient water and sewer service account establishment, administration, and collection, so long as not inconsistent with the express language of any ordinance.

SEWER SERVICE CHARGES

§ 53.15 PURPOSE.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the residents of the Commission's service area to collect charges from all users who contribute wastewater to the Commission's treatment works.

The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public waste water treatment facilities.

§ 53.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/l).

COMMERCIAL USER. All retail stores, restaurants, office buildings, laundries and other private business and service establishments.

DEBT SERVICE. Charges levied on users of the waste water treatment works to support the annual debt service obligations of the system.

GOVERNMENTAL USER. Legislative, judicial, administrative and regulatory activities of federal, state and local governments.

INDUSTRIAL USER. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to § 402 of the Clean Water Act.

INSTITUTIONAL USER. Social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

NORMAL DOMESTIC WASTE WATER. Waste water that has a BOD concentration of not more than 350 mg/l and a suspended solids concentration of not more than 350 mg/l and ammonia nitrogen of not more than 20 mg/l.

OPERATION AND MAINTENANCE. Those functions that result in expenditures during the useful life of the treatment works for materials, labor, administration, consulting services, utilities and other items which are necessary for managing and for which the works were designed and constructed. The term **OPERATION AND MAINTENANCE** includes replacement as defined in this section.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

RESIDENTIAL USER. Any contributor to the waste water treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

SS (denoting **SUSPENDED SOLIDS**). Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

SUSPENDED SOLIDS (TSS). Total suspended matter that either floats on the surface of, or is in suspension, in water, waste water or other liquids and that is removable by laboratory filtering as prescribed in *Standard Methods for Examination of Water and Wastewater* and 40 C.F.R. part 136.

TREATMENT WORKS. Any devices and systems for the storage, treatment, recycling and reclamation of municipal waste water, domestic waste water or liquid industrial wastes. These include intercepting sewers, outfall sewers, waste water collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of the compost and land used for the storage of treated waste water in land treatment systems before land application); or any other method of system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

USEFUL LIFE. The estimated period during which a treatment works will be operated.

USER CHARGE. That portion of the total waste water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the waste water treatment works.

WATER METER. A water volume measuring and recording device, furnished and/or installed by a user and approved by the Manager of the city's Sewerage and Water Works Commission.

§ 53.17 ACCOUNTING FOR REVENUES.

(A) There shall be maintained a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund.

(B) Fiscal year-end balances in the Operation, Maintenance and Replacement Fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment and the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

§ 53.18 RATES AND CHARGES.

(A) The following schedule of rates shall apply to each Hopkinsville Division user of the waste water treatment works based on the volume of metered or estimated water consumption.

<i>[Hopkinsville Division Waste Water Services Monthly Rate Schedule</i>				
-	-	<i>January 2022</i>	<i>January 2023</i>	<i>January 2024</i>
4	Water consumption			
2	Flat rate, per 100 cubic feet	\$6.74	\$7.35	\$8.05
3	Minimum bill, 300 cubic feet or less	\$20.14	\$22.05	\$24.14]

Hopkinsville Division Waste Water Services Monthly Rate Schedule

<u>Rate Category</u>	<u>Effective 4/1/2027</u>	<u>Effective 4/1/2028</u>	<u>Effective 4/1/2029</u>
Flat rate, per 100 cubic feet	\$8.77	\$9.55	\$10.40
Minimum bill, 300 cubic feet or less	\$26.29	\$28.63	\$31.18

(B) The following schedule of rates shall apply to each Pembroke Division user of the waste water treatment works. This schedule includes rates based on the volume of metered or estimated water consumption.

<i>Pembroke Division Waste Water Services Monthly Rate Schedule</i>				
		<i>January 2022</i>	<i>January 2023</i>	<i>January 2024</i>
1	Water consumption			
2	Flat rate, per 100 cubic feet	\$8.09	\$8.86	\$9.71
3	Minimum bill, 300 cubic feet or less	\$27.52	\$30.13	\$32.99

A further rate adjustment may be made in July 2021 based on a rate review by an engineering firm specializing in utility rate design. The proposed rate adjustment shall be presented to the appropriate committee of City Council no later than April 2021. Such review shall take into account debt coverage ratios and depreciation reserves required by the Kentucky Infrastructure Authority for purposes of utility construction loans then outstanding and approved by the KIA Board.

(C) The following schedule of rates shall apply to each Crofton Utility Division user of the waste water treatment works. This schedule includes rates based on the volume of metered or estimated water consumption.

<i>Crofton Utility Division Waste Water Services Monthly Rate Schedule</i>	
<i>Water Consumption per Month</i>	<i>Monthly Charge per 100 Cubic Feet</i>
Minimum bill 150 cubic feet or less	\$12.50
All over 150 cubic feet	\$3.60

(D) The following schedule of rates shall apply to each Oak Grove Utility Division user of the waste water treatment works. This schedule includes rates based on the volume of metered or estimated water consumption.

Oak Grove Utility Division Waste Water Services Monthly Rate Schedule			
Water Consumption per Month	Monthly Charge per 1,000 Gallons		
	July 2018	July 2019	July 2020
Residential Rate			
Minimum bill 1,000 gallons or less	\$21.28	\$24.26	\$26.20
All over 1,000 gallons	\$6.21	\$7.08	\$7.65
Commercial Rate			
5/8-inch or 1/4-inch meter minimum bill			
1,000 gallons or less	\$25.87	\$29.49	\$31.85
All over 1,000 gallons	\$7.33	\$8.36	\$9.02
1-inch meter minimum bill			
1,000 gallons or less	\$48.28	\$55.04	\$59.44
All over 1,000 gallons	\$7.33	\$8.36	\$9.02
1-1/2-inch meter minimum bill			
1,000 gallons or less	\$60.35	\$68.80	\$74.30
All over 1,000 gallons	\$7.33	\$8.36	\$9.02
2-inch meter minimum bill			
1,000 gallons or less	\$103.46	\$117.94	\$127.37
All over 1,000 gallons	\$7.33	\$8.36	\$9.02
3-inch meter minimum bill			
1,000 gallons or less	\$181.04	\$206.39	\$222.90
All over 1,000 gallons	\$7.33	\$8.36	\$9.02
4-inch meter minimum bill			
1,000 gallons or less	\$250.01	\$285.02	\$307.82
All over 1,000 gallons	\$7.33	\$8.36	\$9.02
6-inch meter minimum bill			
1,000 gallons or less	\$560.38	\$638.83	\$689.94
All over 1,000 gallons	\$7.33	\$8.36	\$9.02
County residential and commercial customers serviced by city water and/or sewer utility shall pay the prevailing rate plus a monthly surcharge of \$2.			

(E) Surcharge rates.

(1) Surcharge rate shall be determined in accordance with § 52.108 and shall be evaluated annually and automatically adjusted to the evaluated rate.

(2) Surcharge rates effective on enactment of this subchapter shall be as follows:

(a) BOD: \$0.21 per pound;

(b) TSS: \$0.21 per pound; and

(c) NH₃-N: \$1.45 per pound.

(3) Method of billing surcharge:

(a) The surcharge will be due ten days after the billing date. If the surcharge is not paid by the fifteenth day after the due date, the Sewer and Water Works Commission is authorized to cut off water service to the customer; and

(b) No reduction in sewerage service charges or fees or taxes shall be permitted because of the fact that certain wastes discharged to the Sewerage Works contains less than the current limitations.

§ 53.19 FINANCIAL RECORDS AND CONDITIONS FOR CHANGES.

(A) The Sewerage and Water Works Commission shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.

(B) The Sewerage and Water Works Commission shall review not less often than annually the waste water contribution of users, the total cost of operation, maintenance and replacement of the waste water works, debt service obligations and user charge rates. Based on the review, the City Council shall revise, when necessary, the schedule of user charge rates to accomplish the following:

(1) Maintain an equitable distribution of operation, maintenance, and replacement costs among users of the treatment system; and

(2) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the waste water system and to meet debt service requirements.

(C) Excessive strength and toxicity surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs. Surcharge rates may be modified by regulation duly passed by the Sewerage and Water Works Commission.

(D) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge which is attributable to operation, maintenance, and replacement of the waste water system.

§ 53.20 METHOD OF BILLINGS AND COLLECTIONS; DISCONTINUATION OF SERVICE FOR NONPAYMENT.

(A) All accounts for water and/or sewer service shall be billed monthly. Bills for water and sewer services shall be billed, collected and enforced together.

(B) The monthly sewer charges shall be billed on the basis of monthly water consumption/sewerage contribution. Sewer charges to any customer who is initially rendered services for less than one month shall be prorated on the basis of the charges set forth in § 53.18 for the fractional part of the month for which service was rendered.

§ 53.21 CUTOFF FOR NONPAYMENT.

In the event any bill or part thereof for water and/or sewer service is not paid in full by the fifteenth day after the due date, the Sewerage and Water Works Commission is authorized to disconnect and cut off the water and/or sewer service to any premises associated with any accounts for which the account holder or other responsible party is liable, even those premises whose associated accounts are not past due. Once water and/or sewer service is disconnected to any premises for nonpayment, the Sewerage and Water Works Commission is authorized to refuse to resume service to any such premises until the entire past due account for which the water and sewer service was discontinued is paid in full.

§ 53.22 DELINQUENT ACCOUNT TO BE PAID IN FULL PRIOR TO NEW SERVICE.

No new service for sewer or water will be made available to any customer who remains delinquent on any previously existing account for either sewer or water service.

§ 53.23 LATE PAYMENT PENALTY.

A late payment penalty of 10% will be added to each delinquent bill. A bill will be considered delinquent on the fifth day after the due date.

WATER RATES

§ 53.35 MONTHLY WATER RATES.

The monthly rates and charges for water service furnished by the system are fixed and established on a monthly basis as follows:

~~[(A) *Meter minimum rate.*~~

	<i>Rates</i>
	<i>July 1, 2017</i>
Monthly minimum for 5/8-inch meter	\$13.05 per 300 cubic feet
Monthly minimum for 3/4-inch meter	\$26.47 per 610 cubic feet
Monthly minimum for 1-inch meter	\$37.30 per 860 cubic feet
Monthly minimum for 1-1/2-inch meter	\$67.24 per 1,550 cubic feet
Monthly minimum for 2-inch meter	\$111.92 per 2,580 cubic feet
Monthly minimum for 3-inch meter	\$235.56 per 5,430 cubic feet
Monthly minimum for 4-inch meter	\$370.90 per 8,550 cubic feet
Monthly minimum for 6-inch meter	\$1,240.65 per 28,600 cubic feet
Monthly minimum for 8-inch meter	\$8,111.92 per 187,000 cubic feet]

(A) Hopkinsville Division Meter Minimum Rate

<u>Meter Minimum Rate</u>	<u>Effective 10/1/2026</u>	<u>Effective 10/1/2027</u>	<u>Effective 10/1/2028</u>
<u>Monthly minimum for 5/8-inch meter per 300 cubic feet</u>	<u>\$14.34</u>	<u>\$15.76</u>	<u>\$17.32</u>
<u>Monthly minimum for 3/4-inch meter per 610 cubic feet</u>	<u>\$29.09</u>	<u>\$31.97</u>	<u>\$35.14</u>
<u>Monthly minimum for 1-inch meter per 860 cubic feet</u>	<u>\$40.99</u>	<u>\$45.05</u>	<u>\$49.51</u>
<u>Monthly minimum for 1-1/2-inch meter per 1,550 cubic feet</u>	<u>\$73.90</u>	<u>\$81.21</u>	<u>\$89.25</u>
<u>Monthly minimum for 2-inch meter per 2,580 cubic feet</u>	<u>\$123.00</u>	<u>\$135.18</u>	<u>\$148.56</u>
<u>Monthly minimum for 3-inch meter per 5,430 cubic feet</u>	<u>\$258.88</u>	<u>\$284.51</u>	<u>\$312.68</u>
<u>Monthly minimum for 4-inch meter per 8,550 cubic feet</u>	<u>\$407.62</u>	<u>\$447.97</u>	<u>\$492.32</u>
<u>Monthly minimum for 6-inch meter per 28,600 cubic feet</u>	<u>\$1,363.47</u>	<u>\$1,498.46</u>	<u>\$1,646.81</u>
<u>Monthly minimum for 8-inch meter per 187,000 cubic feet</u>	<u>\$8,915.00</u>	<u>\$9,797.59</u>	<u>\$10,767.55</u>
<u>Monthly minimum for 10-inch meter per 385,000 cubic feet</u>	<u>\$18,405.50</u>	<u>\$20,227.65</u>	<u>\$22,230.18</u>

(B) *Water consumption rates for Hopkinsville Division water usage.* Subject to the minimum monthly water rate specified above, the following metered charges shall be made for each 100 cubic feet of water consumption per month to customers of all size connections to the Hopkinsville Division:

-	<i>[Rates</i>
<i>Number of Cubic Feet of Water Per Month</i>	<i>July 1, 2017</i>
Flat rate, \$4.35 per 100 cubic feet with minimum billing of 300 cubic feet	\$13.05]

Hopkinsville Division Water Consumption Rates

<u>Number of Cubic Feet of Water Per Month</u>	<u>Effective 10/1/2026</u>	<u>Effective 10/1/2027</u>	<u>Effective 10/1/2028</u>
<u>Flat rate per 100 cubic feet; minimum billing of 300 cubic feet</u>	<u>\$14.34</u>	<u>\$15.76</u>	<u>\$17.32</u>

(C) *Wholesale water rates.* The wholesale rates for water supplied for resale shall be as follows:

Rate	Phase 1 (Effective October 1, 2025)	Phase 2 (Effective October 1, 2026)	Phase 3 (Effective October 1, 2027)
Per 1,000 gallons	\$3.07	\$3.53	\$3.98

(D) *Water consumption rates for Pembroke Division usage.*

1	Monthly minimum for 5/8-inch meter	\$10.56 per 300 cubic feet
2	Monthly minimum for 3/4-inch meter	\$21.47 per 610 cubic feet
3	Monthly minimum for 1-inch meter	\$30.27 per 860 cubic feet
4	Monthly minimum for 1 1/2-inch meter	\$54.56 per 1,550 cubic feet
5	Monthly minimum for 2-inch meter	\$90.82 per 2,580 cubic feet
6	Monthly minimum for 3-inch meter	\$191.14 per 5,430 cubic feet
7	Monthly minimum for 4-inch meter	\$300.96 per 8,550 cubic feet
8	Monthly minimum for 6-inch meter	\$1,006.72 per 28,600 cubic feet

Subject to the minimum monthly water rate specified above, the following metered charges shall be made for each 100 cubic feet of water consumption per month to customers of all size connections to the Pembroke Utility Division.

1	<i>Number of Cubic Feet of Water per Month</i>	
2	Flat rate, per 100 cubic feet	\$3.52

(E) *Water consumption rates for Crofton Utility Division usage.* The following schedule of rates shall be made for each 100 cubic feet of water consumption per month to customers of all size connections to the Crofton Utility Division.

<i>Crofton Utility Division Water Services Monthly Rate Schedule</i>	
<i>Inside Crofton City Limits</i>	
First 300 cubic feet	\$16.32 flat rate
All over 300 cubic feet	\$3.35 per 100 cubic feet

(F) *Surcharge.* Crofton Utility Division customers served by the Lewis Hill Booster Station shall be charged a surcharge of \$0.01350 per cubic foot of water usage per month until the cost of the installation of the pump station plus interest has been paid.

§ 53.36 FIRE HYDRANT RENTALS.

Private fire protection [~~(not metered)~~]. The rates or charges for fire protection afforded by private hydrants [~~which are not metered~~] shall be based on the respective sizes of the connections of such private fire hydrants, as follows:

<i>Size of Fire Hydrant Connection</i>	<i>Annual Charge (Apart From Metered Rates)</i>
	<i>July 1, 2017</i>
<i>Size of Fire Hydrant Connection</i>	<i>Annual Charge (Apart From Metered Rates)</i>
	<i>July 1, 2017</i>
2-inch	\$95.58
3-inch	\$95.58
4-inch	\$205.87
6-inch	\$588.19
8-inch	\$1,249.91
10-inch	\$2,242.50
12-inch	\$3,639.45

§ 53.37 BILLING.

(A) Bills for water and sewer services shall be billed, collected and enforced together, so that when any bill has remained unpaid and becomes delinquent, the water service to the delinquent premises can be disconnected and will not be reinstated until the entire bill for both water and sewer service is paid in full.

(B) Water charges shall be billed monthly on the basis of each user's water consumption. Water charges to any customer who is initially rendered services for less than one month shall be prorated on the basis of the charges set forth above for the fractional part of the month for which service was rendered.

§ 53.38 RESERVED

§ 53.39 DELINQUENT ACCOUNT TO BE PAID IN FULL PRIOR TO NEW SERVICE.

No new service for sewer or water will be made available to any customer who remains delinquent on any previously existing account for either sewer or water service.

§ 53.40 PENALTY FOR LATE PAYMENT.

A late payment penalty of 10% of the water bill will be added to each delinquent bill.

§ 53.41 PREVIOUS BOND ORDINANCES TO REMAIN IN EFFECT.

Nothing in this subchapter shall be construed as repealing any previous ordinance authorizing bond issues for purposes of funding Sewer and Water Commission functions.

SECTION TWO

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this ordinance.

SECTION THREE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION FOUR

This ordinance shall take effect October 1, 2026 after its passage and publication according to law.

ORDINANCE 28-2026
AMEND CERTAIN SECTIONS OF CHAPTER 53, SEWER AND WATER SERVICE RATES
AND USER FEES

PUBLICLY READ AND PASSED FIRST TIME: _____

PUBLICLY READ AND PASSED SECOND TIME: _____

APPROVED: _____
Mayor James R. Knight Jr.

ATTEST: _____
City Clerk Brittany Byrum, CMC